

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF CALIFORNIA, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 1:25-cv-208-JJM-PAS

**PLAINTIFF STATES' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
PLAINTIFF STATES' MOTION FOR A PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that Plaintiff States, pursuant to Rule 201 of the Federal Rules of Evidence, request that the Court take judicial notice of the publicly available government documents or reports described below in connection with Plaintiff States' Motion for Preliminary Injunction:

1. The January 29, 2025 order issued by U.S. Secretary of Transportation Sean Duffy to all U.S. Department of Transportation operating administrations and departmental offices with the subject, "Ensuring Reliance upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities." A true and accurate copy of that order is attached as **Exhibit 1** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of that order is available on the U.S. Department of Transportation website at the following URL: <https://tinyurl.com/5n83xj5f> (last accessed May 20, 2025).
2. The April 24, 2025 letter issued by U.S. Secretary of Transportation Sean Duffy to all recipients of U.S. Department of Transportation funding. A true and accurate copy of that

letter is attached as **Exhibit 2** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of the letter is available on the U.S. Department of Transportation website at the following URL:

<https://tinyurl.com/3h5dwnjf> (last accessed May 20, 2025).

3. The April 24, 2025 press release issued by the U.S. Department of Transportation regarding the April 24, 2025 letter U.S. Secretary of Transportation Sean Duffy issued to all U.S. Department of Transportation funding recipients. A true and accurate copy of the April 24, 2025 press release is attached as **Exhibit 3** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of the press release is available at the following URL: <https://tinyurl.com/muf5jsun> (last accessed May 20, 2025).
4. The general terms and conditions governing federal financial assistance awarded by the Federal Railroad Administration, revised as of April 23, 2025. True and accurate excerpts of the Federal Railroad Administration's April 23, 2025 general terms and conditions are attached as **Exhibit 4** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of the Federal Railroad Administration's April 23, 2025 general terms and conditions is available on the Federal Railroad Administration's website at the following URL: <https://tinyurl.com/4n67cn4p> (last accessed May 20, 2025).
5. The general terms and conditions governing competitive grant programs awarded by the Federal Highway Administration, revised as of April 22, 2025. True and accurate excerpts of the Federal Highway Administration's April 22, 2025 competitive grant program terms and conditions are attached as **Exhibit 5** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of the Federal Highway Administration's April 22, 2025 competitive grant program general terms and conditions is available at the following URL: <https://tinyurl.com/yc6tw36w> (last accessed May 20, 2025).

6. Version 33 of the master agreement governing financial assistance awarded by the Federal Transit Administration, revised of April 25, 2025. True and accurate excerpts of the Federal Transit Administration's April 25, 2025 master agreement are attached as **Exhibit 6** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of the Federal Transit Administration's April 25, 2025 master agreement is available at the following URL: <https://tinyurl.com/2p3p6bjj> (last accessed May 20, 2025).
7. Version 33 of the master agreement governing financial assistance awarded by the Federal Transit Administration, with tracked changes reflecting revisions as of April 25, 2025. True and accurate excerpts of the tracked changes version of the Federal Transit Administration's April 25, 2025 master agreement are attached as **Exhibit 7** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of the Federal Transit Administration's April 25, 2025 master agreement is available at the following URL: <https://tinyurl.com/52sfdnzh> (last accessed May 20, 2025).
8. The agreement template governing the FY 2025 Airport Infrastructure Grant awarded by the Federal Aviation Administration, revised as of May 6, 2025. True and accurate excerpts of the Federal Aviation Administration's May 6, 2025 grant agreement template are attached as **Exhibit 8** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A publicly available copy of the Federal Aviation Administration's May 6, 2025 grant agreement template is available at the following URL: <https://tinyurl.com/yc4kjffs> (last accessed May 20, 2025).
9. The Maritime Administration's general terms and conditions under the fiscal year 2024 Port Infrastructure Development Program Grants, revised as of March 31, 2025. True and accurate excerpts of the Maritime Administration's March 31, 2025 Port Infrastructure Development Program general terms and conditions are attached as **Exhibit 9** to the Index of Exhibits in Support of Plaintiff States' Motion for a Preliminary Injunction. A

publicly available copy of the Maritime Administration’s March 31, 2025 Port Infrastructure Development general terms and conditions is available at the following URL: <https://tinyurl.com/5y9jjsde> (last accessed May 20, 2025).

10. A table of data published by the Federal Highway Administration on its webpage, titled, “FY 2022 – FY 2023 Actual and FY 2024 – FY 2026 Estimated State-by-State Federal-aid Highway Apportionments under the Infrastructure Investment and Jobs Act” A true and accurate copy of this data is attached as **Exhibit 10** to the Index of Exhibits in Support of Plaintiff States’ Motion for a Preliminary Injunction. A publicly available copy of this data is available at the following URL: <https://tinyurl.com/4j9sryyw> (last accessed May 20, 2025).
11. A table of data published by the Federal Transit Administration on its webpage, titled, “FY 2025 Full Year Apportionments State Totals.” A true and accurate copy of this data is attached as **Exhibit 11** to the Index of Exhibits in Support of Plaintiff States’ Motion for a Preliminary Injunction. A publicly available copy of this data is available at the following URL: <https://tinyurl.com/ysdfthsa> (last accessed May 20, 2025).
12. A table of data published by the Motor Carrier Safety Administration on its webpage, titled, “FY 2024 Estimated MCSAP Funding - Rounded.” A true and accurate copy of this data is attached as **Exhibit 12** to the Index of Exhibits in Support of Plaintiff States’ Motion for a Preliminary Injunction. A publicly available copy of this data is available at the following URL: <https://tinyurl.com/24xt3y39> (last accessed May 20, 2025).
13. A table of data published by the National Highway Traffic Safety Administration on its webpage, titled, “FY 2024 Grant Funding Table.” A true and accurate copy of this data is attached as **Exhibit 13** to the Index of Exhibits in Support of Plaintiff States’ Motion for a Preliminary Injunction. A publicly available copy of this data is available at the following URL: <https://tinyurl.com/yc79fyzc> (last accessed May 20, 2025).
14. A table of data published by the Federal Aviation Administration on its webpage, titled, “Fiscal Year 2024 State Apportionment.” A true and accurate copy of this data is

attached as **Exhibit 14** to the Index of Exhibits in Support of Plaintiff States’ Motion for a Preliminary Injunction. A publicly available copy of this data is available at the following URL: <https://tinyurl.com/2v9y6ks4> (last accessed May 20, 2025).

A court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). Here, Plaintiff States ask the court to take judicial notice of **Exhibits 1-14** because these exhibits contain publicly available government records, subject to judicial notice under Federal Rule of Evidence 201(b)(2). Courts “are free . . . to take judicial notice of the existence of government records.” *Torrens v. Lockheed Martin Servs. Grp., Inc.*, 396 F.3d 468, 473 (1st Cir. 2005); *see also CFK Sports, Inc. v. Correa-Opppenheimer*, 325 F.R.D. 30, 32 n.3 (D.P.R. 2018) (“Documents contained in the public record, including the records and reports of administrative bodies, are proper subjects of judicial notice.”). Accordingly, courts regularly take judicial notice of government records and information published on federal government websites. *See Gent v. CUNA Mut. Ins. Soc’y*, 611 F.3d 79, 84 n.5 (1st Cir. 2010) (taking “judicial notice of the relevant facts provided on the [CDC’s] website” because they are “not subject to reasonable dispute”); *see also Pietrangelo v. Sununu*, 15 F.4th 103, 106 n.1 (1st Cir. 2021) (taking judicial notice of “state and federal vaccine distribution data” published online because its “accuracy . . . cannot be reasonably questioned”); *Pietrantonio v. Corcept Therapeutics Inc.*, 640 F. Supp. 3d 197, 204–05 (D. Mass. 2022) (collecting cases taking “judicial notice of information on the FDA’s website”).

Conclusion

For the reasons discussed above, the Court should grant judicial notice of Plaintiff States’ **Exhibits 1-14**.

May 21, 2025

ROB BONTA

ATTORNEY GENERAL OF CALIFORNIA

Michael L. Newman
Senior Assistant Attorney General
Joel Marrero
James E. Stanley
Supervising Deputy Attorneys General
Luke Freedman
Newton Knowles
Christopher Medeiros
Alexis Piazza
Deylin Thrift-Viveros
Delbert Tran
Deputy Attorneys General

/s/ Delbert Tran

Delbert Tran
Deputy Attorney General
California Department of Justice
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102
(415) 229-0110
delbert.tran@doj.ca.gov

Attorneys for the State of California

MATTHEW J. PLATKIN

ATTORNEY GENERAL OF NEW JERSEY

/s/ Shankar Duraiswamy
Shankar Duraiswamy
Deputy Solicitor General
Mayur P. Saxena
Assistant Attorney General
Maryanne M. Abdelmesih
Surinder K. Aggarwal
Yael Fisher
Nathaniel F. Rubin
Deputy Attorneys General
25 Market St., PO Box 093
Trenton, NJ 08625-0093
(609) 376-2745
shankar.duraiswamy@law.njoag.gov

Attorneys for the State of New Jersey

Respectfully submitted,

KWAME RAOUL

ATTORNEY GENERAL OF ILLINOIS

/s/ Alex Hemmer
Alex Hemmer
Deputy Solicitor General
Michael M. Tresnowski
R. Henry Weaver
Assistant Attorneys General
Office of the Illinois Attorney General
115 LaSalle Street
Chicago, IL 60603
(773) 590-7932
alex.hemmer@ilag.gov

Attorneys for the State of Illinois

PETER F. NERONHA

ATTORNEY GENERAL OF RHODE ISLAND

/s/ Patrick Reynolds
Kathryn M. Sabatini (RI Bar No. 8486)
Civil Division Chief
Special Assistant Attorney General
Patrick Reynolds (RI Bar No. 10459)
Special Assistant Attorney General
Rhode Island Attorney General's Office
150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 1882
preynolds@riag.ri.gov
ksabatini@riag.ri.gov

Attorneys for the State of Rhode Island

ANTHONY G. BROWN
ATTORNEY GENERAL OF MARYLAND

/s/ James C. Luh
James C. Luh
Senior Assistant Attorney General
Office of the Maryland Attorney General
200 Saint Paul Place
20th Floor
Baltimore, MD 21202
(410) 576-6411
jluh@oag.state.md.us

Attorneys for the State of Maryland

WILLIAM TONG
ATTORNEY GENERAL OF CONNECTICUT

/s/ Michael K. Skold
Michael K. Skold
Solicitor General
Connecticut Office of the Attorney General
165 Capitol Avenue
Hartford, CT 06106
(860) 808-5020
michael.skold@ct.gov

Attorneys for the State of Connecticut

ANNE E. LOPEZ
ATTORNEY GENERAL OF HAWAII

/s/ Kaliko'onālani D. Fernandes
David D. Day
Special Assistant to the Attorney General
Kaliko'onālani D. Fernandes
Solicitor General
Department of the Hawai'i Attorney General
425 Queen Street
Honolulu, HI 96813
(808) 586-1360
david.d.day@hawaii.gov
kaliko.d.fernandes@hawaii.gov

Attorneys for the State of Hawai'i

PHILIP J. WEISER
ATTORNEY GENERAL OF COLORADO

/s/ Sam Wolter
Sam Wolter
Assistant Attorney General
Colorado Department of Law
1300 Broadway, #10
Denver, CO 80203
(720) 508-6000
samuel.wolter@coag.gov

Attorneys for the State of Colorado

KATHLEEN JENNINGS
ATTORNEY GENERAL OF DELAWARE

/s/ Ian R. Liston
Ian R. Liston
Director of Impact Litigation
Vanessa L. Kassab
Deputy Attorney General
Delaware Department of Justice
820 North French Street
Wilmington, DE 19801
(302) 683-8899
ian.liston@delaware.gov

Attorneys for the State of Delaware

AARON M. FREY
ATTORNEY GENERAL OF MAINE

/s/ Vivian A. Mikhail
Vivian A. Mikhail
Deputy Attorney General
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333-0006
(207) 626-8800
vivian.mikhail@maine.gov

Attorneys for the State of Maine

ANDREA JOY CAMPBELL
ATTORNEY GENERAL OF MASSACHUSETTS

/s/ Katherine Dirks
Katherine Dirks
Chief State Trial Counsel
Office of the Massachusetts Attorney General
1 Ashburton Place
Boston, MA 02108
(617) 963-2277
katherine.dirks@mass.gov

*Attorneys for the Commonwealth of
Massachusetts*

KEITH ELLISON
ATTORNEY GENERAL OF MINNESOTA

/s/ Brian S. Carter
Brian S. Carter
Special Counsel
Minnesota Attorney General's Office
445 Minnesota Street
Suite 1400
St. Paul, MN 55101
(651) 757-1010
brian.carter@ag.state.mn.us

Attorneys for the State of Minnesota

RAÚL TORREZ
ATTORNEY GENERAL OF NEW MEXICO

/s/ Steven Perfremment
Steven Perfremment
Senior Litigation Counsel
New Mexico Department of Justice
P.O. Drawer 1508
Santa Fe, NM 87504-1508
(505) 490-4060
sperfremment@nmdoj.gov

Attorneys for the State of New Mexico

DANA NESSEL
ATTORNEY GENERAL OF MICHIGAN

/s/ Neil Giovanatti
Neil Giovanatti
Michael Dittenber
Assistant Attorneys General
Michigan Department of Attorney General
525 W. Ottawa Street
Lansing, MI 48909
(517) 335-7603
GiovanattiN@michigan.gov
DittenberM@michigan.gov

*Attorneys for the People of the State of
Michigan*

AARON D. FORD
ATTORNEY GENERAL OF NEVADA

/s/ Heidi Parry Stern
Heidi Parry Stern
Solicitor General
Office of the Nevada Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, NV 89119
hstern@ag.nv.gov

Attorneys for the State of Nevada

LETITIA JAMES
ATTORNEY GENERAL OF NEW YORK

/s/ Zoe Levine
Zoe Levine
Special Counsel for Immigrant Justice
Julie Dona
Special Counsel
Rabia Muqaddam
Special Counsel for Federal Initiatives
Mark Ladov
Special Counsel
28 Liberty Street
New York, NY 10005
(212) 907-4589
zoe.levine@ag.ny.gov

Attorneys for the State of New York

DAN RAYFIELD
ATTORNEY GENERAL OF OREGON

/s/ Thomas H. Castelli
Thomas H. Castelli
Senior Assistant Attorney General
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
(971) 673-1880
thomas.castelli@doj.oregon.gov

Attorneys for the State of Oregon

NICHOLAS W. BROWN
ATTORNEY GENERAL OF WASHINGTON

/s/ Benjamin Seel
Benjamin Seel
Tyler Roberts
Cristina Sepe
Marsha Chien
Assistant Attorneys General
Washington State Office of the Attorney
General
800 Fifth Avenue
Suite 2000
Seattle, WA 98104-3188
(206) 464-7744
Benjamin.Seel@atg.wa.gov
Tyler.Roberts@atg.wa.gov
Cristina.Sepe@atg.wa.gov
Marsha.Chien@atg.wa.gov

Attorneys for the State of Washington

CHARITY R. CLARK
ATTORNEY GENERAL OF VERMONT

/s/ Julio A. Thompson
Julio A. Thompson
Assistant Attorney General
Co-Director, Civil Rights Unit
Officer of the Vermont Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3657
julio.thompson@vermont.gov

Attorneys for the State of Vermont

JOSHUA L. KAUL
ATTORNEY GENERAL OF WISCONSIN

/s/ Frances Reynolds Colbert
Frances Reynolds Colbert
Assistant Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857
(608) 266-9226
frances.colbert@wisdoj.gov

Attorneys for the State of Wisconsin